

AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2946

Introduced by Assembly Member Goldberg

February 20, 2004

An act to add Section 4027.5 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2946, as amended, Goldberg. Inmates: county facilities: clergy access.

Existing law generally regulates the confinement and treatment of inmates in county facilities.

This bill would provide that clergy would be allowed access to county jails and juvenile *halls*, camps, and ranches, as specified. The bill would require county facilities to develop rules governing these activities, would specify grounds for denial of access by clergy to inmates, and would require an appeal process for denial of access, as specified.

By imposing additional duties on county correctional facilities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4027.5 is added to the Penal Code, to
2 read:

3 4027.5. (a) Clergy and lay chaplains operating under the
4 auspices of a religious organization shall be allowed access to
5 county jails and juvenile ~~hall camps~~ *halls, camps,* and ranches to
6 provide spiritual support and guidance to incarcerated persons.

7 (b) County facilities shall develop rules governing the
8 activities of clergy which ensure that clergy are not denied access
9 to a facility because he or she lodges a complaint about the
10 behavior of staff or of the operation of the facility or because he
11 or she provides information to the public including the media on
12 any aspect of the operation of the jail or because he or she assists
13 in efforts to modify the functioning of the jail.

14 (c) Clergy shall only be denied access to inmates when the
15 inmate objects or when clergy present a clear and present danger
16 to the safety and security of the institution through a violation of
17 institutional rules.

18 (d) When a sheriff or chief probation officer or his or her
19 designee seeks to deny access to a jail, lockup, or juvenile hall
20 camp or ranch to a member of the clergy or lay person acting under
21 the auspices of a religious organization he or she must provide an
22 opportunity to appeal that decision to a neutral fact finder. The
23 burden shall be on the individual seeking to deny access to
24 demonstrate that allowing access to the facility will jeopardize the
25 safety or security of the institution.

26 SEC. 2. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for
32 reimbursement does not exceed one million dollars (\$1,000,000),



- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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